

# **EXHIBIT A**

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**POWERS LAW, PLLC**  
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*Attorney for Plaintiff*

**SUPERIOR COURT OF ARIZONA**  
**COUNTY OF MARICOPA**

GRAPEVINE EDUCATION, LLC, an  
Arizona limited liability company,

Plaintiff,

vs.

EDUCATIONAL VENTURES, LLC, a  
California limited liability company, dba  
ATA COLLEGE,

Defendant.

Case No. CV2022-005603

**VERIFIED COMPLAINT**

(Breach of Contract; Fraud; Unpaid  
Wages; Unjust Enrichment)

Plaintiff alleges as follows:

**PARTIES, JURISDICTION AND VENUE**

1. Plaintiff Grapevine Education, LLC ("Plaintiff"), is an Arizona limited liability company, and doing business in Maricopa County, Arizona, as "Grapevine Education."

2. Defendant Educational Ventures, LLC ("Defendant") is, upon information and belief, a California limited liability company, and doing business in Maricopa County,

1 Arizona, as “ATA College.”  
2

3 3. Defendant has caused an act or acts in Maricopa County, Arizona, giving rise  
4 to this lawsuit.  
5

6 4. This Court has jurisdiction to hear this matter.  
7

8 5. Venue is proper pursuant to A.R.S. § 12-401 as the Defendant’s principal  
9 place of business is located outside the state of Arizona and Plaintiff’s principal place of  
10 business is located within Maricopa County, Arizona.  
11

12 6. This case belongs in Tier 2 pursuant to Ariz. R. Civ. P. 26.2(b)(2) and 8(b),  
13 because Plaintiff’s damages are such as to qualify for Tier 2.  
14

15 **GENERAL ALLEGATIONS**  
16

17 7. On or about February, 2020, Defendant reached out to Plaintiff in Arizona and  
18 sought Plaintiff’s services to assist Defendant’s operations as an educational institution.  
19

20 8. Discussions continued regarding Plaintiff providing Defendant with services  
21 (“Services”), which resulted in an agreement being established in Arizona (the  
22 “Agreement”) wherein Plaintiff would provide Defendant with various administrative and  
23 marketing Services, which Services later expanded to include Plaintiff’s oversight of most  
24 of Defendant’s operations.  
25  
26  
27  
28

10. Subsequent to the Agreement, Plaintiff provided the Services to Defendant and delivered monthly invoices to Defendant.

**(Breach of Contract)**

11. Defendant initially paid Plaintiff's invoices, but thereafter discontinued remitting payments for the Services that Plaintiff provided to Defendant.

13. Defendant's failure and refusal to pay Plaintiff for the Services Plaintiff provided Defendant constitutes a breach of the Agreement.

Page 3 of 8

1 Plaintiff has sustained damages, and in excess of \$50,000.

2  
3 15. This is a contested matter arising out of contract, and pursuant to A.R.S. § 12-  
4 341(C), Plaintiff is entitled to recover its costs and attorney's fees incurred in this matter.  
5

6 WHEREFORE, Plaintiff requests that judgment be entered in its favor and against  
7 Defendant as follows:  
8

9 A. For Plaintiff's damages in an amount to be proven at trial, in excess of  
10 \$50,000, but within the limits of a Tier 2 classification under Rule 26.2, Arizona Rules of  
11 Civil Procedure;  
12

13 B. For Plaintiff's costs and attorney's fees incurred in this matter, and if judgment  
14 is taken by default, an award of attorney's fees in at least the amount of \$5,000; and  
15

16 C. For such other and further relief as the Court deems just and proper.  
17

18 **COUNT TWO**

19  
20 **(Fraud)**

21 Plaintiff realleges all prior allegations and incorporates them as if fully set forth in  
22 this Count Two.  
23

24 16. In entering into the Agreement, Defendant represented to Plaintiff that it  
25 would act in good faith and use its best efforts to timely perform under the Agreement,  
26  
27

1 including paying Plaintiff all sums due for Plaintiff's Services, such representations referred  
2  
3 to hereafter as the "Representations."

4 17. At all times material hereto, Defendant knew that such Representations were  
5  
6 false as Defendant, upon information and belief, intended to pay Plaintiff whatever it wanted  
7  
8 and whenever it wanted.

9 18. At all times material hereto, Defendant intended that Plaintiff rely on the  
10  
11 Representations, which Plaintiff reasonably did.

12 19. As a direct and proximate result of Defendant's fraudulent conduct, as set  
13  
14 forth herein, Plaintiff has sustained damages, and in excess of \$50,000.

15 20. Defendant's conduct, as described herein, were wilful, wanton, and made with  
16  
17 a conscious disregard of a substantial risk of harm to Plaintiff, to such a degree as to warrant  
18  
19 the imposition of punitive damages against Defendant.

20 WHEREFORE, Plaintiff requests that judgment be entered in its favor and against  
21  
22 Defendant as follows:

23 A. For Plaintiff's damages in an amount to be proven at trial, in excess of  
24  
25 \$50,000, but within the limits of a Tier 2 classification under Rule 26.2, Arizona Rules of  
26  
27 Civil Procedure;

1 B. For punitive damages in an amount to be proven at trial;

2  
3 C. For Plaintiff's costs and attorney's fees incurred in this matter, and if judgment  
4 is taken by default, an award of attorney's fees in at least the amount of \$5,000; and  
5

6 D. For such other and further relief as the Court deems just and proper.  
7

### 8 **COUNT THREE**

#### 9 **(Violation of A.R.S. § 23-355)**

10 Plaintiff realleges all prior allegations and incorporates them as if fully set forth in  
11 this Count Three.  
12

13 21. At all times material hereto, Plaintiff was an "employee" of Defendant, as  
14 defined pursuant to A.R.S. § 23-350, et seq.  
15

16 22. At all times material hereto, Defendant was an "employer" to Plaintiff, as  
17 defined pursuant to A.R.S. § 23-350, et seq.  
18

19 23. At all times material hereto, the compensation due Plaintiff, as set forth in this  
20 complaint, constitutes "wages," as defined pursuant to A.R.S. § 23-350, et seq.  
21

22 24. Pursuant to A.R.S. § 23-355(A), Defendant owes Plaintiff treble damages, or  
23 three (3) times the amount of the compensation that has been unpaid to date.  
24

25 WHEREFORE, Plaintiff requests that judgment be entered in its favor and against  
26  
27

1 Defendant as follows:

2  
3 A. For treble damages pursuant to A.R.S. § 23-355(A), or three (3) times the  
4 amount of Plaintiff's compensation due, and in an amount to be proven at trial, in excess  
5 of \$50,000, but within the limits of a Tier 2 classification under Rule 26.2, Arizona Rules  
6 of Civil Procedure;  
7

8  
9 B. For Plaintiff's costs and attorney's fees incurred in this matter, and if  
10 judgment is taken by default, an award of attorney's fees in at least the amount of  
11 \$5,000; and  
12

13  
14 C. For such other and further relief as the Court deems just and proper.

15 **COUNT FOUR**

16  
17 **(Unjust Enrichment)**

18 Plaintiff realleges all prior allegations and incorporates them as if fully set forth in  
19 this Count Four.  
20

21 25. The Services Plaintiff has provided Defendant were valuable.

22  
23 26. At no time did Defendant complain about the Services provided by Plaintiff.

24 27. Based on the Services that Plaintiff has provided Defendant, which have gone  
25 unpaid to date, Defendant has been unjustly enriched at the expense of Plaintiff.  
26  
27



29. Should Defendant continue to avoid paying for the Services provided, such constitute an inequitable benefit to Defendant, to such a degree as to warrant an of damages under quantum meruit, or the reasonable value of the Services that have unpaid to date.

A. For an award of unjust enrichment, or quantum meruit, in an amount to be determined at trial;

C. For such other and further relief as the Court deems just and proper.

/s/ John M. Powers  
Attorney for Plaintiff

# **EXHIBIT B**

Person/Attorney Filing: John M Powers  
Mailing Address: 4381 North 75th Street Suite 201  
City, State, Zip Code: Scottsdale, AZ 85251  
Phone Number: (480)993-5641  
E-Mail Address: john@powersoflaw.com  
[ ] Representing Self, Without an Attorney  
(If Attorney) State Bar Number: 023411, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

Grapevine Education, LLC

Plaintiff(s),

Case No. CV2022-005603

v.

Educational Ventures, LLC, DBA ATA

SUMMONS

College

Defendant(s).

To: Educational Ventures, LLC, DBA ATA College

**WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.**

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 201 W. Jefferson, Phoenix, Arizona 85003 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>.  
Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.  
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *May 03, 2022*

*JEFF FINE*  
Clerk of Superior Court

By: *CECILIA CUELLAR*  
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.

Person/Attorney Filing: John M Powers  
Mailing Address: 4381 North 75th Street Suite 201  
City, State, Zip Code: Scottsdale, AZ 85251  
Phone Number: (480)993-5641  
E-Mail Address: john@powersoflaw.com  
[ ☐ ] Representing Self, Without an Attorney  
(If Attorney) State Bar Number: 023411, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

Grapevine Education, LLC  
Plaintiff(s),

Case No. CV2022-005603

v.

Educational Ventures, LLC, DBA ATA  
College  
Defendant(s).

**CERTIFICATE OF  
COMPULSORY ARBITRATION**

I certify that I am aware of the dollar limits and any other limitations set forth by the Local Rules of Practice for the Maricopa County Superior Court, and I further certify that this case IS NOT subject to compulsory arbitration, as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this

By: John M Powers /s/  
Plaintiff/Attorney for Plaintiff

**In the Superior Court of the State of Arizona  
In and For the County of Maricopa**

Clerk of the Superior Court  
\*\*\* Electronically Filed \*\*\*  
C. Cuellar, Deputy  
5/3/2022 10:06:50 AM  
Filing ID 14257439

**Plaintiff's Attorney:**

John M Powers  
Bar Number: 023411, issuing State: AZ  
Law Firm: Powers Law  
4381 North 75th Street Suite 201  
Scottsdale, AZ 85251  
Telephone Number: (480)993-5641  
Email address: john@powersoflaw.com

**CV2022-005603**

**Plaintiff:**

Grapevine Education, LLC  
4381 North 75th Street Suite 201  
Scottsdale, AZ 85251  
Email address: meyer.dinob@gmail.com

**Defendant:**


Educational Ventures, LLC, DBA ATA College  
1810 Gillespie Way Suite 104  
El Cajon, CA 92020

Discovery Tier t2

Case Category: Contracts

Case Subcategory: Other Contract (Breach of Contract)

# **EXHIBIT C**

Select Language 

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# Civil Court Case Information – Case History

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## Case Information

Case Number: CV2022-005603 Judge: Smith, James  
 File Date: 5/3/2022 Location: Downtown  
 Case Type: Civil

## Party Information

Party Name	Relationship	Sex	Attorney
Grapevine Education L L C	Plaintiff		John Powers
Educational Ventures L L C	Defendant		Pro Per

## Case Documents

Filing Date	Description	Docket Date	Filing Party
6/6/2022	NUS - Notice Of Removal Us District Court	6/6/2022	
<b>NOTE:</b> NOTICE TO STATE COURT AND PLAINTIFF OF REMOVAL OF THIS ACTION TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA			
5/3/2022	COM - Complaint	5/4/2022	
<b>NOTE:</b> Complaint			
5/3/2022	CSH - Coversheet	5/4/2022	
<b>NOTE:</b> Civil Cover Sheet			
5/3/2022	CCN - Cert Arbitration - Not Subject	5/4/2022	
<b>NOTE:</b> Certificate Of Compulsory Arbitration - Is Not Subject To			
5/3/2022	SUM - Summons	5/4/2022	
<b>NOTE:</b> Summons			

## Case Calendar

There are no calendar events on file

## Judgments

There are no judgments on file





# **EXHIBIT D**

**DEGNAN LAW GROUP**

David Degnan (AZ SBN 027422)  
 Mark W. Horne (AZ SBN 029449)  
 4105 N. 20<sup>th</sup> Street, Suite 220  
 Phoenix, Arizona 85016  
 (602) 266-0531  
[d.degnan@degnanlawaz.com](mailto:d.degnan@degnanlawaz.com)  
[m.horne@degnanlawaz.com](mailto:m.horne@degnanlawaz.com)

*Attorneys for Defendant*  
 EDUCATIONAL VENTURES LLC,  
 a Delaware limited liability company,  
 erroneously sued as EDUCATIONAL VENTURES LLC,  
 a California limited liability company

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA****IN AND FOR THE COUNTY OF MARICOPA**

GRAPEVINE EDUCATION, LLC, an Arizona  
 limited liability company,

Case No.: CV2022-005603

Plaintiffs,

vs.

EDUCATIONAL VENTURES LLC, a California  
 limited liability company, dba ATA COLLEGE,

Defendant.

**NOTICE TO STATE COURT  
 AND PLAINTIFF OF REMOVAL  
 OF THIS ACTION TO THE  
 UNITED STATES DISTRICT  
 COURT FOR THE DISTRICT  
 OF ARIZONA**

**TO THE CLERK AND JUDGE OF THIS HONORABLE COURT AND TO  
 ALL PARTIES AND THEIR COUNSEL, PLEASE TAKE NOTICE THAT** Defendant  
 EDUCATIONAL VENTURES, LLC filed in the United States District Court for the District  
 of Arizona its Notice of Removal to Federal Court. A true and correct copy of the federal  
 court Notice of Removal is attached hereto as **EXHIBIT A**, without exhibits, and it is served  
 and filed herewith.

DATED this 6<sup>th</sup> day of June, 2022.

**DEGNAN LAW GROUP**

/s/ Mark W. Horne, Esq.

David Degnan, Esq.

Mark W. Horne, Esq.

*Attorneys for Defendant*

**ORIGINAL** filed this 6<sup>th</sup> day of June 2022  
with:

Maricopa County Superior Court  
[www.turbocourt.gov](http://www.turbocourt.gov)

John M. Powers, Esq.  
POWERS LAW, PLLC  
4381 North 75th St., Ste 201  
Scottsdale, AZ 85251  
john@powersoflaw.com  
*Attorney for Plaintiff*

By: /s/ Kristine Berry

# **EXHIBIT E**

JAMES E. PILLEY, *Pro Hac Vice*  
**LAW OFFICE OF JAMES E. PILLEY, APC**  
8880 Rio San Diego Drive  
Rio Vista Tower 8th Floor PMB #852  
San Diego, CA 92108  
Telephone: (619) 602-0076  
Facsimile: (619) 272-0371  
Email: *james@jpilley.com*

***Attorney for Defendant***

EDUCATIONAL VENTURES LLC,  
a Delaware limited liability company,  
erroneously sued as California limited liability company

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Grapevine Education, LLC, an Arizona  
limited liability company,

Plaintiff,

vs.

Educational Ventures, LLC, a California  
limited liability company, dba ATA  
College,

Defendant.

Case No.:

**VERIFICATION OF JAMES E  
PILLEY, ESQ. PURSUANT TO  
LRCiv 3.6(b)**

I, James E. Pilley, am the attorney for the Defendant in the above captioned matter.  
Pursuant to LRCiv 3.6(b), I hereby verify that true and complete copies of all  
pleadings and other documents filed in the Superior Court of the State of Arizona, County  
of Maricopa, as Case No. CV2022-005603 have been filed in this Court.

I declare under penalty of perjury under the laws of the United States of America  
that the foregoing is true and correct.

Executed on June 3, 2022, at San Diego, California.

/s/ James E. Pilley  
JAMES E. PILLEY